

// A special meeting of the Council of the City of Lynchburg, recessed from May 25, was held on the 1st day of June, 2004, at 8:30 A.M., Second Floor Training Room, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to receive an update regarding the impact of reducing the City's contribution by an additional \$700,000 on the FY2005 Schools Budget. The following Members were present:

Present: Adams, Dodson, Foster, Garber, Seiffert 5

Absent: Barksdale, Hutcherson 2

// Mayor Hutcherson arrived at 8:55 a.m.

// City Council discussed further the impact of reducing the City's contribution by an additional \$700,000 to the FY2005 School Budget. City Manager Kimball Payne outlined several factors that lead to the confusion that occurred earlier relating to the \$700,000 in Virginia Retirement System (VRS) savings. Mr. Payne explained that City staff worked from the City Manager's proposed budget as a baseline while Schools staff used the School Board's requested funding as a baseline. School representatives were present to explain that since the \$700,000 had already been accounted for in the Schools' budget, that cutting it would leave them with a deficit. Following discussion, City Council asked that staff provide three options for consideration at the June 8 meeting that would reflect a personal property tax rate of \$3.70, \$3.80 and \$3.90.

// The meeting was recessed at 9:53 a.m. to June 8, 6:30 p.m. regarding adoption of the FY 2005 Budget.

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from June 1, was held on the 8th day of June, 2004, at 6:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to consider adoption of the FY2005 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// In the matter of FY2005 Budget, Budget Ordinance #O-04-058 adopting the FY 2005 Proposed General Fund Operating Budget and appropriating funds for this budget, Budget Ordinance #O-04-059 adopting all other FY 2005 Proposed Operating Fund Budgets and appropriating the sums for each fund, Budget Ordinance #O-04-060 adopting the FY 2005-2009 Capital Improvement Program, Budget Ordinance #O-04-061 appropriating funds for the first year of the FY 2005-2009 Capital Improvement Program, and Budget Ordinance #O-04-062 amending and reenacting Sections 5-6, 36-130, 36-149, 36-150, 36-152, 36-254.1 and 36-262 of the Lynchburg City Code relating generally to ambulance rates, motor vehicle license fees, tangible personal property, real estate, meals and amusement tax rates, introduced at the May 11 meeting was again presented and read. City Manager Kimball Payne provided an overview regarding the three budget scenarios as requested by City Council at its June 1 meeting. Vice Mayor Dodson voiced support for Scenario B which would set the personal property tax rate at \$3.80 and reduce the Schools funding by an additional \$350,000, and made a motion to adopt Budget Ordinances A-E based on Scenario B. The motion was seconded by Council Member Foster, and Council by the following recorded vote adopted Budget Ordinance #O-04-058 adopting the FY 2005 Proposed General Fund Operating Budget and appropriating funds for this budget, Budget Ordinance #O-04-059 adopting all other FY 2005 Proposed Operating Fund Budgets and appropriating the sums for each fund, Budget Ordinance #O-04-060 adopting the FY 2005-2009 Capital Improvement Program, Budget Ordinance #O-04-061 appropriating funds for the first year of the FY 2005-2009 Capital Improvement Program, and Budget Ordinance #O-04-062 amending and reenacting Sections 5-6, 36-130, 36-149, 36-150, 36-152, 36-254.1 and 36-262 of the Lynchburg City Code relating generally to ambulance rates, motor vehicle license fees, tangible personal property, real estate, meals and amusement tax rates:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson 6

Noes: Garber 1

// Vice Mayor Dodson along with City Manager Kimball Payne inquired regarding interest in having a ceremony to recognize the members of the local Marine Corps Reserve Unit who are scheduled to be deployed to Iraq. Council Members wholeheartedly endorsed the idea and City Manager Payne stated that the details regarding the ceremony would be provided to City Council at the June 22 meeting.

// The meeting was adjourned at 6:52 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of June, 2004, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Adams gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the May 25 (two meetings), 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R-04-064 amending the Airport Grant Fund budget and appropriating \$861,137, fully reimbursable, for construction/rehabilitation of the Airport's Runway 4-22 drainage rehabilitation project, laid over from the May 25 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, City Council Report #3 was considered. On motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote cancelled the City Council meetings of July 27, August 24 and December 28, as well as the Council work sessions on those same dates during the same three months:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - General, City Council Report #4 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-04-065, as presented, authorizing the City Manager to execute a contract with Brown Edwards & Co, L.L.P. to provide Financial and Compliance Auditing Services for FY 2004, 2005, and 2006 with an option to renew for an additional two years:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Historic Districts, City Council Report #4A was considered. On motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-066, as presented, appropriating \$147,500, with \$118,000 reimbursement, for the Historic Streets Restoration Program in the Daniel's Hill Historic District:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Commissioner of the Revenue, City Council Report #4B was considered. On motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-067, as presented, appropriating \$14,885 to refund overpayment of business license tax by Preferred Labor LLC for calendar years 2001, 2002 and 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #5 outlining the petition of Lynchburg College for a Conditional Use Permit at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316, 426 Lakewood Street to allow college operated student housing in an R-2, Single-Family Residential District. Mr. John Lewis, Business Manager for Lynchburg College, outlined the request and asked for approval. Dr. John Eccles, Dean of Students, outlined some of the efforts taken by the College to respond to neighborhood concerns, including spending \$5 million to build on-campus housing. Mr. Doug Reynolds spoke in opposition to the petition for himself and several of his neighbors citing concerns regarding the attitude and disruptive behavior of Lynchburg College students living off campus. There was no one else present who wished to speak to this item. Several Council Members applauded Lynchburg College's efforts thus far to respond to neighborhood concerns. On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-04-068, as presented, granting the Conditional Use Permit:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #6 outlining the petition of Centra Health, Inc., for a Conditional Use Permit at 1901 Tate Springs Road to allow the expansion of the existing hospital facility in a B-1, Limited Business District. Mr. Bill Varner, Vice President for Strategic Planning and Marketing for Centra Health, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-04-069, as presented, granting the Conditional Use Permit:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning – Zoning, a public hearing was held regarding City Council Report #7 regarding an ordinance to amend the provisions of the City Code regulating signs within the City limits. Mr. Gary Case, a member of the Sign Committee, along with sixteen individuals spoke in support of the proposed changes to the sign ordinance. Fifteen individuals spoke in opposition to the proposed changes. Mr. Chip Dicks, legal counsel to the Outdoor Advertising Association of Virginia and Lamar Advertising Company, distributed a listing of concerns regarding some of the proposed changes. Mr. William McRorie, legal counsel for Business Friendly Network, Inc., referenced an earlier correspondence

outlining over thirty concerns and requested a response from City staff regarding the concerns. There was no one else present who wished to speak to this item. City Council agreed to conduct another work session regarding proposed changes to the sign ordinance on June 17, at 3:00 p.m., and asked that staff provide them with responses to the written concerns from Mr. Dicks and Mr. McRorie.

// On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Barksdale, Foster, Garber, Seiffert, Hutcherson 5

Noes: Adams, Dodson 2

// Prior to going into the closed meeting, Council Member Adams stated that he was not aware that the vote taken at the 6:30 p.m. meeting to approve one of the three budget scenarios was also a vote to adopt the FY2005 Budget and questioned what he needed to do to change his vote. City Attorney Walter Erwin outlined the process to follow in order for Council Member Adams to change his vote regarding the adoption of the FY2005 Budget.

// On motion of Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote agreed to go back into open session:

Ayes: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson 6

Noes: Dodson 1

// On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote agreed to reconsider the vote taken at its earlier 6:30 p.m. meeting to adopt the FY2005 Budget:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Foster, seconded by Vice Mayor Dodson, Council by the following recorded vote approved Scenario B which would set the personal property tax rate at \$3.80 and reduce the Schools funding by an additional \$350,000 and adopted Budget Ordinance #O-04-058 adopting the FY 2005 Proposed General Fund Operating Budget and appropriating funds for this budget, Budget Ordinance #O-04-059 adopting all other FY 2005 Proposed Operating Fund Budgets and appropriating the sums for each fund, Budget Ordinance #O-04-060 adopting the FY 2005-2009 Capital Improvement Program, Budget Ordinance #O-04-061 appropriating funds for the first year of the FY 2005-2009 Capital Improvement Program, and Budget Ordinance #O-04-062 amending and reenacting Sections 5-6, 36-130, 36-149, 36-150, 36-152, 36-254.1 and 36-262 of the Lynchburg City Code relating generally to ambulance rates, motor vehicle license fees, tangible personal property, real estate, meals and amusement tax rates:

Ayes: Barksdale, Dodson, Foster, Seiffert, Hutcherson 5

Noes: Adams, Garber 2

// On motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1, Code of Virginia (1950), as amended:

Ayes: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson 6

Noes: Dodson 1

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Garber, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Vice Mayor Dodson, Council by the following recorded vote re-appointed Frances B. Carter and Mary H. Randolph-Preston to serve on the Youth Services Citizens Board for terms to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote appointed Bryan E. Tiller to serve on the City Employees Appeal Board for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote re-appointed Charlie W. Holloway, Sr., to serve on the City Employees Appeal Board for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Vice Mayor Dodson to serve on the Region 2000 Regional Commission for a term to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote re-appointed Ann R. Van DeGraaf to serve on the Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote appointed Darlene Barnett, William S. Smith and Jenny L. West to serve on the Museum Advisory Board for terms to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote re-appointed Bruce McNabb and Kimball Payne to serve on the Regional Sewage Treatment Plant Board for terms to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote re-appointed Lisa Fogleman to serve on the Historic Preservation Commission for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote appointed David L. Young to fill an unexpired term on the Lynchburg Regional Airport Commission ending December 31, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote re-appointed Police Chief Charles Bennett and City Manager Kimball Payne to serve on the Blue Ridge Regional Jail Authority for terms to expire June 30, 2008:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Vice Mayor Dodson, Council by the following recorded vote re-appointed Thomas F. Aud to serve on the Tourism Advisory Committee for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 11:13 P.M. to June 17, at 3:00 P.M., to conduct a work session regarding proposed changes to the sign ordinance.

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Clerk of Council